

## **SUBCHAPTER F : STANDARDS OF CONDUCT FOR LICENSED IRRIGATORS AND INSTALLERS**

### **§344.90. Purpose of Standards.**

(a) The correct practice of irrigation as a profession is essential for the protection and conservation of the water resources of the state. The installation of irrigation systems should be conducted by individuals with high ethical standards. The legislature has vested in the commission the authority and duty to establish and enforce standards of professional conduct and ethics for practitioners of the irrigation industry. These standards of conduct have been adopted by the commission to ensure compliance with and enforcement of the statutory charge to the commission.

(b) Every applicant for registration as a licensed irrigator or installer must become fully informed of the obligations and responsibilities inherent in the practice of irrigation as outlined by these standards of conduct. Each licensed irrigator or installer is deemed to have notice of these standards of conduct, and will be required to abide by the standards.

Adopted May 29, 1996

Effective June 28, 1996

### **§344.91. Intent.**

(a) These standards of conduct are established to prescribe responsibility and knowledge on the part of the irrigator and installer and to aid in governing the irrigation industry.

(b) The commission will determine what actions constitute violations of the standards and institute appropriate disciplinary action which may lead to monetary penalties and/or the suspension or revocation of a license in accordance with the applicable state statutes.

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### **§344.92. Proficiency in Field of Irrigation; Representation of Qualifications.**

(a) Competence in the performance of services of a licensed irrigator or installer requires that the licensee's knowledge and skill encompass the currently accepted practice and knowledge of selling, designing, consulting, installing, maintaining, altering, repairing, or servicing an irrigation system including the connection of such system in and to a private or public, raw or potable water supply system or any water supply. Licensed irrigators must therefore maintain proficiency in the field of irrigation.

(b) A licensed irrigator or installer must accurately and truthfully represent to a prospective client their qualifications and capabilities of resources to perform the services requested and must not perform services for which they are not qualified by experience or knowledge in the technical field involved.

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**§344.93. Advertisement.**

(a) A licensed irrigator or installer must display the registration number in the form of "LI\_\_\_\_\_" in block letters at least two inches high, on both sides of all vehicles used by them or by their employees for installation, service, or repair of irrigation systems.

(b) All advertisements, including business cards, of a licensed irrigator must display the registration number in the form of "LI\_\_\_\_\_."

(c) False, misleading, or deceptive practices relating to the bidding or advertising of services and fees by a licensed irrigator or a licensed installer is prohibited.

(d) The name, mailing address, and telephone number of the commission must be prominently displayed on any sign in plain view at the place of business of a licensed irrigator or licensed installer for purposes of directing complaints.

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**§344.94. Contracts.**

(a) A licensed irrigator's agreement to install an irrigation system, if in writing, must specify their name, license number, business address and telephone number, date that the agreement was signed by each party, total agreed price, and the design number or a copy of the design. If there is no written design, the agreement must contain a brief description of the major components of the system to be installed. Such agreement must also provide the name, mailing address, and telephone number of the commission for the purpose of directing complaints to the executive director.

(b) All written contracts and bills to install irrigation systems must include the statement: "Irrigation in Texas is regulated by the Texas Natural Resource Conservation Commission, P. O. Box 13087, Austin, Texas 78711-3087."

(c) If there is no written agreement for irrigation installation, the irrigator must provide a written document to the other party that includes the statement: "Irrigation in Texas is regulated by the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087."

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**§344.95. Design.**

(a) No licensed irrigator may design an irrigation system, or a portion thereof, so as to require the use of any component part in a way which exceeds the manufacturer's performance limitations for the part, unless the use is necessary to accommodate special site conditions. Special site conditions must be noted on the design, the written agreement, the bill for installation, or the document described in §344.94(c) of this title (relating to Contracts).

(b) Adequate design and specifications of an irrigation system to be installed are the responsibility of the licensed irrigator who designs or supervises the designing of the system regardless of whether a fee is collected for the design work.

(c) The design must include a statement of area coverage of the irrigation system, and any system which does not provide complete coverage must be so noted on the design, the written agreement, the bill for installation, or the document described in §344.94(c) of this title (relating to Contracts).

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**§344.96. Warranties.**

On all installations of new irrigation systems (i.e., excluding remodeling and renovation) a licensed irrigator must present the customer a written statement of guarantees for materials and labor furnished in the installation of the irrigation system.

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Repeal of: §§344.241, 344.244, 344.247, 344.250, 344.253  
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